(i) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3510 OF 2006 **SINGLE BENCH**

PETITIONERS : B.R. Dhavde, son of Late Shri Sherkaji Dhawde, aged about 54 years, Presently posted as Sub Divisional Officer, Water Resources Department, Sub-Division Nagri, Dhamtari.

W.P. No. 3571/06
Presented by Shri AJ Singh
dated 13/12/06

VS

RESPONDENTS : 1. State of Chhattisgarh, through the Secretary, Ministry of Water Resources, D.K.S. Bhawan, Raipur.

2. The Executive Engineer, Water Resources Department, Dhamtari

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 3510/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17.7.2006 Shri B.P. Sharma, Advocate for the petitioner. Shri Satish Gupta, Dy.G.A. for the respondents on advance copy. Heard. By the instant petition the petitioner has challenged his transfer order dated 4.7.2006 (Annexure P-1) whereby he has been transferred from the post of Sub Divisional Officer, Sub Division Nagri to the post of Assistant Engineer (Design), Water Resources Department, Dhamtari. The main grievance of the petitioner is that the impugned order is the outcome of a mala fide action on behalf of the respondent, for the reasons that earlier when one Shri O.P. Daketa, who was working as S.D.O. Nagri, was appointed on contract basis contrary to the Rules on the post from which he retired, the petitioner had challenged the same before this Court. The respondents had to withdraw his appointment order and as the respondents could not digest the said action of the petitioner, therefore, the petitioner has been transferred within 20 hours vide impugned order. It is settled law that in order to question the transfer, an employee has to establish that the impugned order is the outcome of malafide or contrary to statutory rules or passed by incompetent authority. In this case, on the administrative ground the petitioner has been transferred from Nagri to Dhamtari, which is within the same division & district, and therefore, same cannot be termed as a mala fide transfer, as the same is within the same district. Therefore, the writ petition is devoid of merit, same is liable to be dismissed and accordingly, it is dismissed. Consequently, M.(W.)P. No.2699/06 also stands dismissed. **Sd/-** **L.C. Bhadoo** **Judge**	

23.8.06 Roshan 23/8/06